

CHAPTER 20.82

EATING AND DRINKING ESTABLISHMENTS

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20.82.010 Purpose

Eating and Drinking Establishments range from large destination restaurants to small neighborhood ice cream stores. Full-service establishments are likely to generate more traffic, parking demand, noise and trash than small businesses with limited menus. Conditions and restrictions on the operation of large establishments may be unnecessary in the case of small, limited item food serving businesses. However, particular small-scale establishments may, because of location, method of operation or other factors, be expected to cause, or actually cause, impacts equivalent to a full service establishment and, in such event, additional controls should be imposed or the use prohibited.

20.82.020 Use Permit Required

- A. Unless otherwise prescribed in the individual chapters of this code, Eating and Drinking Establishments shall require the following permits:

Use Classification	Permit Required
Full-Service, High Turnover	Use permit
Full-Service, Low Turnover	Use permit
Full-Service, Small-Scale	Use permit issued by the Planning Director.
Take-Out Service	Use permit
Take-Out Service, Limited	Use permit issued by the Planning Director.
Accessory	Permitted by right.
Bars and Cocktail Lounges	Use permit

B. Required Findings for Bars and Cocktail Lounges. In order to approve a use permit for the establishment of any bar or cocktail lounge, the Planning Commission shall make the following findings:

1. The proposed use is consistent with the purpose and intent of this section.
2. Establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or injurious to property or improvements in the area.

In making findings required by this section, the Planning Commission shall consider the following:

1. Whether the use serves public convenience and necessity.
2. The crime rate in the area as compared to other areas in the City.
3. The number of alcohol licenses per capita as compared to the county-wide average.

C. Required Findings for Take-Out Service, Limited. In addition to the findings established in Chapter 20.82, the following additional findings shall be made in order to approve a Take-Out Service, Limited establishment:

1. That the use will not contribute to a disproportionate number of take-out establishments in the area nor contribute to a land use mix that is inconsistent with the specific purposes of the zoning district in which it is proposed.
2. That the site and structure are of sufficient size and design to accommodate the use and will not cause customer service queues, storage areas, or waste to encroach onto adjacent properties or public rights-of-way.
3. That a condition of approval of the use permit includes a practical program for controlling litter, spills, and stains resulting from the use on the site and adjacent areas.

20.82.030 Application Contents

In addition to the application requirements of Chapter 20.82, an application for a use permit or an amendment to a use permit, the following materials shall be required, provided that the Planning Director may waive submission of items deemed unnecessary:

- A. A statement specifying the nature of the establishment, the proposed hours of operation, whether the applicant intends to provide live entertainment and/or dancing, and other pertinent information regarding the operational characteristics of the proposed Eating and Drinking Establishment.
- B. A plot plan of the property drawn to scale showing the location of all buildings, storage facilities, planting areas, signs, outside eating areas, walls, parking areas, and curb cuts.
- C. A floor plan of any building delineating all interior floor space and indicating its proposed use.
- D. A parking layout and traffic plan showing all parking spaces, aisles, access points and directional signs and markings.
- E. A grading plan indicating how the property is to be graded and drained.
- F. Elevations including all building and sign faces and materials.
- G. Such other plans, drawings and information as the Planning Director may reasonably require.

20.82.040 Design and Development Standards

- A. Full-Service, High Turnover; Full-Service, Low Turnover; Full-Service, Small-Scale, Take-Out Service Establishments, and Bars and Cocktail Lounges.
 - 1. Site. The site shall be of sufficient size and configuration to satisfy all requirements for off-street parking, setbacks, curb cuts, walls, landscaping and refuse storage as provided in this chapter.
 - 2. Setbacks. The Planning Commission or the Planning Director may establish setbacks more restrictive than those required by the regulations for the zoning district in which the proposed use would be located if it determines they are necessary or desirable for the protection of the public health, safety and welfare or to insure compatibility with uses on contiguous properties.
 - 3. Off-Street Parking. Off-street parking shall be as specified in Chapter 20.66: Off-Street Parking and Loading.
 - 4. Circulation. Parking areas and driveways shall be arranged so that a free flow of vehicular traffic and adequate site clearances are permitted at all times. If the Traffic Engineer determines that there is a need to

accommodate vehicles waiting for service, a reservoir parking area for standing vehicles shall be provided in addition to the other required parking and driveways area.

5. Walls. A solid masonry wall 6 feet in height shall be erected on all interior lot lines, said wall to be reduced to 3 feet in height within any required front yard setback area or within 15 feet of the corner of any intersecting street or alley right-of-way. Walls 3 feet in height shall be erected between on-site parking areas and public rights-of-way.
 6. Landscaping. Not less than 10 percent of the total site area shall be devoted to landscaped planting area, including:
 - a. A planting area with a width of 3 or more feet between street side property lines and walls screening parking facilities.
 - b. A planting area with a width of 3 or more feet adjacent to interior property lines.
 - c. All such planting areas shall be separated from vehicular or pedestrian paved areas by 6-inch-high concrete curbing. The bumper stops shall be installed and located in such a manner as to preclude parked vehicles from overhanging such planting areas. All planting areas shall be provided with a permanent sprinkler irrigation system and hose bibs for supplemental watering.
 7. Lighting. All parking areas shall be illuminated by lighting with minimum intensity in any location of 2 foot-candles and an average intensity of 5 foot-candles. The lighting system shall be designed to minimize the reflection of light to streets and properties adjoining the site. No lighting standard shall exceed a height of 10 feet from the finished grade of the site.
 8. Utilities. All utility services on the site shall be installed underground.
 9. Supply Storage. All facilities for storage of supplies shall be located within a building.
 10. Refuse Storage. Any refuse storage area located outside of a completely enclosed building shall be surrounded by a solid masonry wall 6 feet in height with self-locking gates.
- B. Take-Out Service, Limited. Take-Out Service, Limited establishments shall be operated in conformance with the following standards:

1. Hours of Operation. Opens for business no earlier than 7:00 a.m. and closes no later than 12:00 a.m., daily, provided, however, this provision shall not apply if the business, measured from the property lines, is, in all directions, more than 250 feet from the boundaries of any residential district or any mixed commercial/residential district;
 2. No alcoholic beverages shall be served or consumed on the premises;
 3. No live entertainment or dancing shall be provided;
 4. The facility contains receptacles sufficient in size to accommodate all trash deposited by customers;
 5. Trash generated by the business is stored on-site in an area screened from view except when placed for pick-up;
 6. Smoke and odor are controlled by kitchen exhaust fans, or other means, to the satisfaction of the Building Director;
 7. A wash-out area for refuse containers and kitchen equipment is provided and the area drains directly into the sewer system unless the Building Director and Public Works Director approve alternative drainage;
 8. Off-Street Parking. Off-street parking shall be as specified in Chapter 20.66: Off-Street Parking and Loading.
- C. Additional Requirements. The Planning Director or the Planning Commission, as the case may be, shall have the right to add additional conditions of approval in order to insure compatibility of the development with the surrounding area and the goals and objectives of the General Plan of the City. In addition, the Planning Director or the Planning Commission, as the case may be, shall retain jurisdiction to impose additional conditions after approval if necessary or appropriate to ensure that operation of the establishment is consistent with the findings made at the time of approval.
- D. Modification or Waiver of Regulations. The Planning Director or the Planning Commission, as the case may be, may modify or waive any of the design and development standards contained in this chapter if strict compliance with the standards is not necessary to achieve the purpose and intent of the standard.

20.82.050 Accessory Outdoor Dining

- A. General Provisions. Notwithstanding any other provisions of this chapter, Chapter 20.62, Chapter 20.63, Chapter 20.64, Chapter 20.89, Chapter 20.91, and Chapter

15.38 of the Municipal Code, the Planning Director may approve an application to add or expand outdoor dining to an existing Eating and Drinking Establishment provided the area devoted to outdoor dining does not exceed 25 percent of the existing interior net public area of the establishment, or 1000 square feet, whichever is less, and is accessory to any indoor dining.

B. Required Findings. Before approving an application, the Planning Director shall make the following findings:

1. That the proposed outdoor dining is accessory to the Eating and Drinking Establishment.
2. The establishment, maintenance or operation of the accessory outdoor dining will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or injurious to property or improvements in the area.
3. That the proposed accessory outdoor dining will not be located so as to result in reduction of existing parking spaces.

C. Required Conditions. The Planning Director's approval of an application to add or expand outdoor accessory dining shall be conditioned upon the following:

1. That the outdoor dining shall be subject to all the existing hours of operation, operational characteristics and conditions of any use permit applicable to the establishment.
2. No amplified music or entertainment is permitted outdoors.
3. All doors and windows leading to the outdoor dining shall remain closed while any approved indoor amplified music is being played.
4. Roof coverings shall not have the effect of creating a permanent enclosure.
5. Fences, walls or similar barriers shall serve only to define the dining area and not constitute a permanent all weather enclosure.
6. Such additional conditions the Planning Director deems necessary or appropriate to ensure operation of the outdoor dining is consistent with the findings made at the time of approval.

D. Required Notice.

1. At least 10 days prior to the administrative decision, notice shall be mailed to the applicant and all owners of property within 300 feet, excluding intervening rights-of-way and waterways, of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the City the names and addresses of owners as required by this section.

Exception. Notice is not required for applications on properties which are not located within 300 feet (excluding intervening rights-of-way and waterways) of a residential district.

2. Contents of Notice. The notice of the decision of the Planning Director shall contain:
 - a. A description of the location of the project site and the purpose of the application;
 - b. A statement of the purpose of the administrative decision;
 - c. A reference to application materials on file for detailed information;
 - d. A statement rights of appeal.

E. Appeal. The decision of the Planning Director to approve or deny an application is final, subject to appeal by the Planning Commission or by the City Council pursuant to Chapter 20.95: Appeals.

F. Revocation. An application to add outdoor dining may be denied or approval of an application may be revoked or modified by the Planning Director upon a finding of the failure to comply with the conditions in this section and all other applicable conditions and regulations.

G. Encroachments Permits. In the event that the proposed outdoor dining area is located on a public sidewalk, the application shall not become effective until the applicant has obtained a valid Sidewalk Cafe License Encroachment Permit pursuant to Chapter 13.18 of the Municipal Code.

20.82.060 Changes in Operational Characteristics

- A. Major Changes. A use permit or an amendment to a use permit shall be required for any major change in the operational characteristics of any Eating and Drinking Establishment requiring a use permit under the provisions of Section 20.82.020. For purposes of this chapter, a major change in operational characteristics shall include, without limitation, any of the following:
1. Any increase in the hours of operation;
 2. The introduction of live entertainment consisting of 3 or more individuals, or live entertainment performing with amplified sound, or dancing, or a significant change in the character of the live entertainment;
 3. The introduction of the sale of alcoholic beverages;
 4. An increase in the gross floor area, net public area, or in the size of the area principally devoted to the sale of alcoholic beverages in excess of 250 square feet;
 5. The increase in the number of seats of a bar or cocktail lounge by more than 15% (for purposes of this section, each 18 linear inches of a bar, counter, or similar serving area, shall be considered to constitute a seat);
 6. A loss of on-site or off-site parking spaces for a period of 90 days or more, which would reduce available parking below the number than required by the provisions of this code or the use permit applicable to the establishment;
 7. The introduction of valet, tandem, or compact parking spaces;
 8. The addition of 3 or more pool tables.
 9. Any change that would affect a condition of approval.
- B. Minor Changes. The Planning Director may approve minor changes in the operational characteristics of any Eating and Drinking Establishment provided the use permit for the establishment has not been approved or amended within the past 90 days. For purposes of this chapter, a minor change in operational characteristics shall be any change which does not constitute, either individually or cumulatively, a major change in operational characteristics as defined in Section 20.82.060 (A), and shall include, without limitation, any of the following:

1. The introduction of live entertainment consisting of no more than 2 individuals, provided the live entertainment is performed without amplified sound;
 2. An increase in the gross floor area or net public area of up to 250 square feet;
 3. A loss of on-site or off-site parking spaces for a period of less than 90 days which would reduce available parking below the number than required by the provisions of this code or the use permit applicable to the establishment;
 4. The addition of up to 2 pool tables.
 5. The increase in the number of seats of a bar or cocktail lounge by not more than 15% (for purposes of this section, each 18 linear inches of a bar, counter, or similar serving area, shall be considered to constitute a seat).
- C. Other Required Permits. The applicant shall obtain all required City permits prior to implementing any approved major or minor change in operational characteristics involving entertainment, dancing, pool tables, or amusement devices (Section 20.60.085: Uses Requiring City Manager).

20.82.070 Nonconforming Structures and Uses

- A. Except as provided in Section 20.82.060, the provisions of Chapter 20.62 shall be applicable to all Eating and Drinking Establishments. In the event of any conflict between the provisions of this chapter and the provisions of Chapter 20.62, the provisions of this chapter shall control.
- B. Maintenance, repairs, and structural alterations can be made as provided in Chapter 20.62.

20.82.080 Rights of Appeal

- A. Appeals. Decisions of the Planning Director may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the City Council.
- B. Procedures. Procedures for appeals shall be as prescribed by Chapter 20.95: Appeals.